

# EXHIBIT A

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : R. Fischer et al.  
Serial No. : 10/567,383  
Filed : September 6, 2006  
For : 4-Biphenyl-substituted 4-substituted Pyrazolidin-3,5-  
Diones Pesticide Agent and/or Microbicide and/or Herbicide  
Group Art Unit : 4131  
Examiner : BIANCHI, Krisitin

**DECLARATION**

Dr. Wolfgang Thielert hereby declares:

- that he is an agronomist having studied at the University of Bonn, Germany;
- that he received his doctor's degree in agriculture at the University of Bonn, Germany in 1984;
- that he entered the employ of Bayer in 1984;
- that he has specialized in plant protection (phytopharmacology);
- that the following tests have been carried out under his supervision and direction

Example No.1**Meloidogyne test (MELGIN)**

Solvent: 7 parts by weight of dimethylformamide

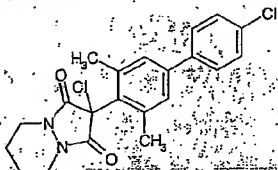
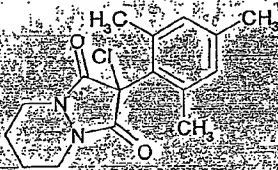
Emulsifier: 2 parts by weight of alkylaryl polyglycoether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amount of solvent, and the concentrate is diluted with emulsifier-containing water to the desired concentration.

Vessels are filled with sand, a solution of the active ingredient, a suspension containing eggs and larvae of *Meloidogyne incognita* and salad seeds. The salad seeds germinate and the seedlings grow. Galls develop on the roots.

After the specified period the nematicidal activity is determined on the basis of the percentage of gall formation. 100 % means that no galls were found; 0 % means that the number of galls found on the roots of treated plants was equal to that in untreated control plants.

In this test, for example, the following compounds from the preparation examples showed good activity: see list

compound	example no.	structure	1. MELGIN	
			ppm	% 14 d
Ex. I-3-1 according to invention	I-3-1		20	100
Ex. 43 known from EP-A- 1026159	43		20	50

EP-A-1026159 = US 6,180,568

The undersigned declarant hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

10.10.2008  
Date

  
Dr. Wolfgang Thielert